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BANNER & WITCOFF, LTD.
and ATTORNEYS FOR CLIENT NO. 006943
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO IL 60606

MAILED
AUG 04 2010
OFFICE OF PETITIONS

In re Patent No. 7,563,471 : DECISION ON REQUEST FOR
KEITHLY et al. : RECONSIDERATION OF
Issue Date: July 21, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/784,855 : NOTICE OF INTENT TO ISSUE
Filed: February 23, 2004 : CERTIFICATE OF CORRECTION
Atty Docket No. 006943.00608 :

This is a decision on the petition filed on January 19, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by four hundred fifty-nine (459) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The term of the above-identified patent is extended or adjusted by **four hundred fifty-eight (458) days**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the B delay period, the over three year period begins on February 24, 2007, and ends on October 30, 2007, the day before the RCE was filed, and is 249 (not 250) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 458, not 459 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a

certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges the submission of the \$200.00 fee set forth in 37 CFR 1.18(e).

This matter is being referred to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred fifty-eight (458) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,563,471 B2

DATED : Jul. 21, 2009

DRAFT

INVENTOR(S): KEITHLY et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 209 days

Delete the phrase "by 209 days" and insert – by 458 days--

PTA Calculations for Application: 10/784855

Application Filing Date:	02/23/2004	PTO Delay (PTO):	322
Issue Date of Patent:	07/21/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	113
Post-Issue Petitions:	0	Total PTA (days):	458
PTO Delay Adjustment:	249		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
88	08/03/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	249		
84.5	07/01/2009	PTA 36 MONTHS			
84	07/21/2009	PATENT ISSUE DATE USED IN PTA CALCULATION	5		70
83	06/22/2009	EXPORT TO FINAL DATA CAPTURE			
82	06/19/2009	FINISHED INITIAL DATA CAPTURE			
81	06/19/2009	DISPATCH TO FDC			
80	06/10/2009	WORKFLOW - QUERY REQUEST - FINISH			
79	06/09/2009	APPLICATION IS CONSIDERED READY FOR ISSUE			
78	06/09/2009	WORKFLOW - QUERY REQUEST - FINISH			
77	06/08/2009	TC RETURN TO PUBS			
76	06/08/2009	MAIL EXAMINER'S AMENDMENT			
75	06/07/2009	TC RETURN TO PUBS			
74	06/07/2009	EXAMINER'S AMENDMENT COMMUNICATION			
73	03/17/2009	PUBS CASE REMAND TO TC			
72	03/18/2009	WORKFLOW - QUERY REQUEST - BEGIN			
71	03/18/2009	TC RETURN TO PUBS			
70	03/16/2009	ISSUE FEE PAYMENT VERIFIED		1	64
69	03/16/2009	ISSUE FEE PAYMENT RECEIVED			
67	01/14/2009	WORKFLOW - QUERY REQUEST - BEGIN			
66	01/05/2009	EXPORT TO INITIAL DATA CAPTURE			
64	12/15/2008	MAIL NOTICE OF ALLOWANCE			
63	12/09/2008	ISSUE REVISION COMPLETED			
62	12/09/2008	DOCUMENT VERIFICATION			
61	12/09/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
60	12/09/2008	CASE DOCKETED TO EXAMINER IN GAU			

59	12/08/2008	EXAMINER'S AMENDMENT COMMUNICATION			
58	12/08/2008	NOTICE OF ALLOWABILITY			
56	10/01/2008	DATE FORWARDED TO EXAMINER			
55	09/26/2008	RESPONSE TO ELECTION / RESTRICTION FILED			
54	08/26/2008	MAIL RESTRICTION REQUIREMENT			
53	08/26/2008	REQUIREMENT FOR RESTRICTION / ELECTION			
52	06/18/2008	DATE FORWARDED TO EXAMINER			
51	05/30/2008	RESPONSE AFTER NON-FINAL ACTION		31	49
50	05/30/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
49	01/29/2008	MAIL NON-FINAL REJECTION			
48	01/28/2008	NON-FINAL REJECTION			
47	12/19/2007	PARALEGAL TD ACCEPTED			
46	10/31/2007	TERMINAL DISCLAIMER FILED			
45	11/20/2007	DATE FORWARDED TO EXAMINER			
44	10/31/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	10/31/2007	TERMINAL DISCLAIMER FILED			
42	11/20/2007	DATE FORWARDED TO EXAMINER			
41	10/31/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		21	37
40	11/20/2007	DISPOSAL FOR A RCE / CPA / R129			
39	10/31/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
38	10/31/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
37	07/10/2007	MAIL FINAL REJECTION (PTOL - 326)			
36	06/25/2007	FINAL REJECTION			
35	04/19/2007	DATE FORWARDED TO EXAMINER			
34	04/17/2007	RESPONSE AFTER NON-FINAL ACTION			
33	04/09/2007	CORRESPONDENCE ADDRESS CHANGE			
32	04/09/2007	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
31	01/18/2007	MAIL NON-FINAL REJECTION			
30	01/09/2007	NON-FINAL REJECTION			
29	11/17/2006	DATE FORWARDED TO EXAMINER			
28	11/01/2006	RESPONSE AFTER NON-FINAL ACTION		60	24
27	11/01/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	07/28/2006	CORRESPONDENCE ADDRESS CHANGE			
25	07/28/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			

24	06/02/2006	MAIL NON-FINAL REJECTION			
23	05/30/2006	NON-FINAL REJECTION			
22	07/01/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	04/04/2006	CASE DOCKETED TO EXAMINER IN GAU			
20	03/24/2006	DATE FORWARDED TO EXAMINER			
19	03/20/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
18	03/06/2006	MAIL RESTRICTION REQUIREMENT	317		-1
17	03/02/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
16	11/02/2005	MISCELLANEOUS INCOMING LETTER			
15	10/21/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	10/21/2004	CASE DOCKETED TO EXAMINER IN GAU			
13	07/01/2004	REFERENCE CAPTURE ON IDS			
12.7	07/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	07/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	07/27/2004	APPLICATION RETURN FROM OIPE			
10	07/27/2004	APPLICATION RETURN TO OIPE			
9	07/27/2004	APPLICATION DISPATCHED FROM OIPE			
8	07/27/2004	APPLICATION IS NOW COMPLETE			
7	06/28/2004	ADDITIONAL APPLICATION FILING FEES			
6	06/28/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/17/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	03/25/2004	CLEARED BY OIPE CSR			
3	03/25/2004	CASE CLASSIFIED BY OIPE			
2	03/16/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/23/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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